

EXHIBIT 1

David Montpas

From: David Prichard
Sent: Tuesday, February 21, 2023 4:21 PM
To: Molly Thomas-Jensen; David Montpas
Cc: Eric Tirschwell; Ryan Gerber; Laura Keeley; David Lopez; Danny Moreno; Blas Delgado; David Neiman; Sarah Raisch
Subject: RE: Torres et al. v. Daniel Defense et al. (22-cv-00059)

We will respond to you shortly.

David M. Prichard
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From: Molly Thomas-Jensen <mthomasjensen@everytown.org>
Sent: Tuesday, February 21, 2023 3:50 PM
To: David Prichard <dprichard@prichardyoungllp.com>; David Montpas <dmontpas@prichardyoungllp.com>
Cc: Eric Tirschwell <etirschwell@everytown.org>; Ryan Gerber <rgerber@everytown.org>; Laura Keeley <lkeeley@everytown.org>; David Lopez <Lopez.LMLawgroup@gmail.com>; Danny Moreno <Moreno.LMLawGroup@gmail.com>; Blas Delgado <delgadoblas@yahoo.com>; David Neiman <dneiman@rblaw.net>; Sarah Raisch <sraisch@rblaw.net>
Subject: Re: Torres et al. v. Daniel Defense et al. (22-cv-00059)

Counsel,

I am following up on my email from earlier today. We'd like to keep things moving, so please let us know your response by the end of the day. If we haven't heard from you by tomorrow morning, we'll go ahead with our filings and we can update the court accordingly if you do provide consent at a later date.

Many thanks,
Molly

On Tue, Feb 21, 2023 at 9:34 AM Molly Thomas-Jensen <mthomasjensen@everytown.org> wrote:

Dear Counsel,

I'm writing on behalf of plaintiffs in the above-referenced case.

We intend to file a new complaint today, with the Chicago-based law firm of Romanucci & Blandin and local Texas

counsel (copied here), on behalf of two new sets of plaintiffs (not including Eliahna Torres' family) in the Austin Division. It will include claims against Daniel Defense as well as law enforcement. We would also like to include Eliahna Torres' family in this new complaint as well and dismiss the current pending Torres complaint, but because you have answered in the Torres case, to do that we would need to file a stipulation of voluntary dismissal without prejudice of the instant case pursuant to FRCP 41(a)(1)(A)(ii). **Please let us know if you consent to stipulate to the voluntary dismissal of the Torres case.** If so, please add your signature block and signature to the attached stipulation.

If you object to the stipulation of voluntary dismissal, we will file a motion to dismiss the Torres case without prejudice under Rule 41(a)(2), which the Fifth Circuit has instructed are to be "freely granted," so that we can refile with the additional plaintiffs in Austin. *See Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5th Cir. 2002); *see also Bechuck v. Home Depot U.S.A., Inc.*, 814 F.3d 287, 298 (5th Cir. 2016).

Thank you,
Molly

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Molly Thomas-Jensen
DEPUTY DIRECTOR OF AFFIRMATIVE LITIGATION
SHE/HER

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Molly Thomas-Jensen
DEPUTY DIRECTOR OF AFFIRMATIVE LITIGATION
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